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09/868,020	06/12/2001	Valerio Aisa	108041-7	5481

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EXAMINER
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BARNES, CRYSTAL J

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/28/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Page

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/868,020	AISA, VALERIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Crystal J. Barnes	2121	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Prelim. Amdt. B submitted 11 May 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-112 is/are pending in the application.
- 4a) Of the above claim(s) 1-74 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 75-108 and 110-112 is/are rejected.
- 7) ☒ Claim(s) 109 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Preliminary Amendment received 11 May 2004 has been entered. Claims 1-74 have been cancelled. Claims 75-112 are now pending in this application.

#### *Priority*

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). All copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau.

#### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the peripheral device connected to the external programming device must be shown or the feature must be canceled from claim 90. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Specification*

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
5. The disclosure is objected to because of the following informalities: on page 3 line 11, the phrase "such systems, too, if allows" is unclear; on page 4 line 8, reference "EP-A-0 588 107" should be "EP 0 588 107 A1" and reference "EP-A-391 316" should be "EP 0 391 316 A1"; on page 5 lines 4-7, claim references should be removed. Appropriate correction is required.

*Claim Objections*

6. Claim 91 is objected to because of the following informalities: the term "letter modification" on page 5 line 6 from the bottom is unclear. Appropriate correction is required.

7. Claim 104 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 103 does not recite loading/downloading. Claim 103 recites downloading.

***Claim Rejections - 35 USC § 112 1st***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 90 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for using the control system of the appliance and the external programming device, does not reasonably provide enablement for the appliance behaving like a peripheral device connected to the external programming device. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or

use the invention commensurate in scope with these claims. The specification does not mention a peripheral device connected to an external programming device with an appliance behaving like the peripheral device.

***Claim Rejections - 35 USC § 112 2nd***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 95, 101 and 109 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language

is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

13. Claim 95 recites the broad recitation home bus, and the claim also recites power line carrier bus that is the narrower statement of the range/limitation.

14. Claim 101 recites the broad recitation remote system, and the claim also recites Internet site that is the narrower statement of the range/limitation.

15. Claim 109 recites the broad recitation another parameter, and the claim also recites temperature value that is the narrower statement of the range/limitation.

### ***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

17. Claims 75, 77-89, 91, 92, 94-102, 104-108 and 110-112 are rejected under 35 U.S.C. 102(a) as being anticipated by USPN 5,967,021 to Yung.

As per claim 75, the Yung reference discloses a system for programming a household appliance having an electronic control that manages the execution by the appliance of a plurality of programs consisting of treatment phases, the system including: a microcontroller (see column 9 lines 11-14, "microprocessor 250"), a first memory ("non-volatile memory 252 and random access memory 254") associated with the microcontroller ("microprocessor 250"), the first memory ("non-volatile memory 252 and random access memory 254") storing as write protected during the manufacturing of the appliance first information (see column 9 lines 16-19, "firmware and a preset repertoire of programs") that is used by the control system ("appliance controller 200") to execute a given number of first programs of the appliance ("a preset repertoire of programs"), the first programs ("firmware and a preset repertoire of programs") allowing the immediate use of the appliance after the completion of manufacturing; a control panel (see column 5 lines 31-37, "control panel 25") residing on the appliance, the control panel ("control panel 25") including user-operated controls ("switches and buttons") for the selection and the control of the execution of the first programs ("selected program"), communication



means (see column 10 lines 9-13, "input/output interface 290") for interfacing the control system ("appliance controller 200") to an external electronic programming device ("one or more peripheral devices"), a writeable and erasable second memory (see column 9 lines 31-35, "memory card 264") for storing second information (see column 9 lines 44-46, "new or updated programs") provided by the external programming device (see column 10 lines 24-30, "personal computer 296"), once the appliance has been marketed and/or installed at a user's premises, the second information ("new or updated programs") allowing the control system ("appliance controller 200") to execute second programs ("new or updated programs") which are in addition to and different from the first programs ("firmware and a preset repertoire of programs"), and allowing the user ("consumer") to select and command the execution of the second programs ("new or updated programs") through the control panel ("control panel 25") residing on the appliance, the second information ("new or updated programs") being encoded and stored in the second memory ("memory card 264") for an undetermined time, until the user ("consumer, user") directs a subsequent modification (see column 11 lines 12-16, "modify the duration or temperature") or cancellation of the second information ("new or

updated programs") through the external programming device (see column 10 lines 24-30, "personal computer 296").

As per claim 77, the Yung reference discloses the first information ("firmware and a preset repertoire of programs") relates, to the subdivision of the programs into various treatment phases (see column 10 lines 64-66, "group of parameters") and respective phases ("group of parameters") are characterized by determined values (see column 11 lines 5-9, "values assigned to a predetermined group of process parameters") of control parameters (see column 11 lines 5-9, "values assigned to a predetermined group of process parameters") of internal devices or actuators (see column 8 lines 15-19, "hardware components") of the appliance.

As per claim 78, the Yung reference discloses at least a part of the first information ("firmware and a preset repertoire of programs") relates to the values of control parameters (see column 11 lines 5-9, "values assigned to a predetermined group of process parameters") that characterize the various phases (see column 10 lines 64-66, "group of parameters") into which the first programs ("firmware and a preset repertoire of programs") are subdivided.

As per claim 79, the Yung reference discloses at least a part of the second information ("new or updated programs") relates to the values of the control parameters (see column 11 lines 5-9, "values assigned to a predetermined group of process parameters") characterizing the various phases (see column 10 lines 64-66, "group of parameters") into which the second programs ("new or updated programs") are subdivided.

As per claim 80, the Yung reference discloses the first and/or second information ("preset repertoire of programs/ new or updated programs") includes for a given phase the duration (see column 11 lines 2-4, "duration") of the phase, a temperature value (see column 11 lines 29-33, "temperature") being characteristic of the phase, the configuration ("process parameter configuration") and/or the mode of operation (see column 8 lines 2058, "microwave oven, broiling, toasting, baking, self-cleaning, slow cooking, steamer, convention oven, breadmaking") for the internal devices or actuators ("hardware components") of the appliance during the phase.

As per claim 81, the Yung reference discloses the second information ("new or updated programs") comprises the respective second programs ("new or updated programs").

As per claim 82, the Yung reference discloses the data identifying a given second program ("new or updated programs") comprises an order number (see column 11 lines 21-24, "program identification and indexing").

As per claim 83, the Yung reference discloses the data identifying a given second program ("new or updated programs") comprises a name (see column 5 lines 37-49, "code") in alphabetical ("alphanumeric"), numerical ("numeric") and/or graphic characters.

As per claim 84, the Yung reference discloses the data identifying a given second program ("new or updated programs") comprises numerical information (see column 5 lines 37-49, "code") and alphabetical (see column 5 lines 50-55, "kinds of bread and process") or alphanumeric information ("table 16").

As per claim 85, the Yung reference discloses the first memory (see column 9 lines 11-14, "non-volatile memory 252 and random access memory 254") comprises at least a part of the program memory ("non-volatile memory 252 and random access memory 254") of the microcontroller ("microprocessor 250").

As per claim 86, the Yung reference discloses the first memory (see column 9 lines 11-14, "non-volatile memory 252 and random access memory 254") comprises a memory of the ROM type (see column 9 lines 15-16, "read-only memory").

As per claim 87, the Yung reference discloses the second memory (see column 9 lines 31-35, "memory card 264") comprises a memory of the EEPROM type (see column 9 lines 34-37, "EEPROM").

As per claim 88, the Yung reference discloses the external programming device (see column 10 lines 9-13, "one or more peripheral devices") is a personal computer (see column 10 lines 24-30, "personal computer 296").

As per claim 89, the Yung reference discloses control system further includes means for executing the second programs (see column 9 lines 44-49, "new or updated programs") under the direct control of the external programming device (see column 9 lines 49-53, "PC").

As per claim 91, the Yung reference discloses household appliance electronic control system, the control system comprising a microcontroller (see column 9 lines 11-14, "microprocessor 250"), a first memory ("non-volatile memory 252 and random access memory 254") associated with the microcontroller ("microprocessor 250"), the first memory ("non-volatile memory 252 and random access memory 254") containing first information (see column 9 lines 16-19, "firmware and a preset repertoire of programs") for use by the control system ("appliance controller 200")

to execute a given number of first programs ("a preset repertoire of programs") of the appliance, the first programs ("a preset repertoire of programs") allowing the immediate use of the appliance once the manufacturing of the same has been completed, the first memory ("non-volatile memory 252 and random access memory 254") being write protected for inhibiting the modification of the first information ("firmware and a preset repertoire of programs") relating to the first programs ("a preset repertoire of programs"), a second memory (see column 9 lines 31-35, "memory card 264") associated with the microcontroller ("microprocessor 250"), for storing second information (see column 9 lines 44-46, "new or updated programs") once the appliance has been marketed and/or installed at a user's premises, the second information ("new or updated programs") allowing the control system ("appliance controller 200") to execute second programs ("new or updated programs") which are addition to and different from the first programs ("a preset repertoire of programs"), the second memory ("memory card 264") being writeable and erasable for allowing the storage, and/or the latter modification (see column 11 lines 12-16, "modify the duration or temperature") of the second information ("new or updated programs") relating to the second programs ("new or updated programs"), a communication interface (see column 10 lines 9-13, "input/output

interface 290") for connecting the control system ("appliance controller 200") to an external programming device ("one or more peripheral devices"), through which the second information ("new or updated programs") is provided, a control panel (see column 5 lines 31-37, "control panel 25") residing on the appliance for the selection and the control of the execution of the first programs ("a preset repertoire of programs") and the second programs ("new or updated programs").

As per claim 92, the Yung reference discloses the appliance is a cooking oven (see column 7 lines 56-59, "convention oven").

As per claim 94, the Yung reference discloses the communication interface (see column 9 lines 56-59, "standard data port 295") is a serial port ("serial port").

As per claim 95, the Yung reference discloses the communication interface (see column 10 lines 25-32, "standard interface 295") is an adapter for connecting the control system ("appliance controller 200") to a home bus ("connectable to a personal computer 296"), in particular a power line carrier bus ("connectable to a television 294").

As per claim 96, the Yung reference discloses the control panel ("control panel 25") includes a display device (see column 5 lines 31-33, "liquid crystal display").

As per claim 97, the Yung reference discloses the control system ("appliance controller 200") provides for the sequential displaying (see column 6 lines 16-28, "arranged in sequence") on the display device ("liquid crystal display") of data identifying the second programs ("new or updated programs").

As per claim 98, the Yung reference discloses a method for programming a household appliance having an electronic control system that executes a plurality of programs, the method including the steps of: storing first information (see column 9 lines 11-18, "firmware and a preset repertoire of programs") within a first memory ("non-volatile memory 252") of the control system ("appliance controller 200") during the manufacturing stage ("initially shipped") of the appliance ("versatile food appliance 115"), the first information ("firmware and a preset repertoire of programs") being used by the control system ("appliance controller 200") to control the execution of a given number of first programs ("a preset repertoire of programs") of the appliance ("versatile food appliance 115"), the first programs ("a preset repertoire of programs") allowing the immediate use of the appliance ("versatile food appliance 115") once the manufacturing of the same has been completed, write protecting ("non-volatile, read-only") the first information



("firmware and a preset repertoire of programs") to inhibit the modification of the first information ("firmware and a preset repertoire of programs") after the information has have been stored in the first memory ("non-volatile memory 252"), controlling at desired times the selection and the command of the execution of the first programs ("a preset repertoire of programs") through a control panel (see column 5 lines 31-37, "control panel 25") on the appliance ("versatile food appliance 115"), after the appliance ("versatile food appliance 115") has been marketed or installed at a user's premises, interfacing the control system ("appliance controller 200") to an external programming device (see column 10 lines 9-13, "one or more peripheral devices"); obtaining, through the external programming device (see column 10 lines 24-30, "personal computer 296"), second information (see column 9 lines 44-46, "new or updated programs") for allowing the control system ("appliance controller 200") to execute second additional programs ("new or updated programs") that differ from the first programs ("a preset repertoire of programs"), the second information ("new or updated programs") comprising data identifying the second additional program ("new or updated programs"); storing the second information ("new or updated programs"), in a writeable and erasable (see column 9 lines 34-37, "EEPROM") manner within a second memory (see column 9

lines 31-35, "memory card 264") of the control system ("appliance controller 200"); controlling at desired times the selection and command of the execution of the second additional programs ("new or updated programs") using the identifying data ("new or updated programs") that is part of the second information ("new or updated programs"); selectively modifying (see column 11 lines 12-16, "modify the duration or temperature") or deleting the second information ("new or updated programs"), as desired by the user ("consumer").

As per claim 99, the Yung reference discloses further including the step of reading out the first and/or second information (see column 10 lines 17-32, "multimedia files") from the control system (see column 10 lines 9-16, "appliance controller 200") by means of the external programming device ("television 294, personal computer 296").

As per claim 100, the Yung reference discloses further including the steps of modifying, by means of the external programming device (see column 9 lines 46-55, "personal computer"), the first information ("existing programs") read out, storing the relevant modified information ("new bread recipe, new breadmaking program") within the second memory ("memory card") and pairing the modified information (see column 9 lines 56-59, "updating the repertoire of programs") with

data identifying the modified information ("new bread recipe, new breadmaking program") as being associated with a given second additional program ("new or updated programs").

As per claim 101, the Yung reference discloses further including the step of establishing a connection (see column 9 lines 50-55, "downloaded") between the external programming device ("PC") and a remote system ("website"), in particular an Internet site ("website").

As per claim 102, the Yung reference discloses further including the step of downloading (see column 9 lines 50-55, "downloaded") the second information ("programs") from the remote system ("website") through the external programming device ("PC").

As per claim 104, the Yung reference discloses further including in the step of loading (see column 9 lines 50-55, "downloaded") the second information ("programs") contained in the second memory (see column 9 lines 45-50, "memory card") into a memory (see column 9 lines 51-53, "flash card") of the external programming device ("PC").

As per claim 105, the Yung reference discloses a user ("consumer"), through a user interface ("personal computer 296") provided for the external programming

device ("personal computer 296") displays data (see column 10 lines 25-32, "multimedia files"), edits the second programs (see column 11 lines 12-15, "programs") to subdivide a given program to be edited into various treatment phases ("cycles") and display the values of control parameters ("process parameters") of internal devices or actuators (see column 8 lines 15-20, "hardware components") of the appliance ("versatile food appliance 115") for each of the phases ("cycles") of the second programs ("programs"), and stores the second information ("new or updated programs") relating to the edited second programs ("new or updated programs") within the second memory ("memory card 264").

As per claim 106, the Yung reference discloses the editing further comprises the displaying of the control parameters (see column 11 lines 28-33, "process parameter configurations") in a graphic form ("table 316").

As per claim 107, the Yung reference discloses the editing further comprises entering and displaying data (see column 6 lines 14-37, "display device 30") that identifies a selected program ("selected program") to be edited.

As per claim 108, the Yung reference discloses the editing further comprises the selection of a phase of interest (see column 11 lines 15-20, "duration or temperature") among the phases ("cycles") into which a selected program

("selected program") to be edited is subdivided and displaying at least some of the control parameters (see column 11 lines 29-44, "process parameter configurations") relating to the selected phase ("duration or temperature of one or more cycles").

As per claim 110, the Yung reference discloses the editing further comprises than suppression of at least one of the phases (see column 11 lines 15-16, "duration or temperature of one or more cycles") into which the program ("program") to be edited is subdivided.

As per claim 111, the Yung reference discloses the displaying depicts, in real time (see column 6 lines 38-40, "timer"), data relating to the progress or status (see column 6 lines 47-49, "baking operation is going on, baking operation has been completed") of a program being run on the appliance ("appliance 115").

As per claim 112, the Yung reference discloses the program ("program") to be edited is a cooking program (see columns 10-11 lines 64-4, "process") for an oven (see column 7 lines 56-59, "convention oven") and the control parameters (see columns 10-11 lines 64-4, "process parameters") include the duration ("duration") of a selected phase ("cycle"), and/or the temperature ("temperature") to be reached within the oven ("convention oven") during the selected phase ("cycle"), and/or the configuration (see column 11 lines 12-20, "process parameter configuration") and/or

operating mode (see column 8 lines 32-37, "broiling, toasting, baking, self-cleaning, etc.") of heat sources ("heating elements") of the oven ("appliance 115"), and/or the type of ventilation (see column 8 lines 49-54, "fans") of possible use during the selected phase ("cycle"), and/or the modes of a possible use of a grill heater during the selected phase.

*Claim Rejections - 35 USC § 103*

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 76 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,967,021 to Yung in view of USPN 5,647,231 to Payne et al.

As per claim 76, the Yung reference does not expressly disclose further including a means for preventing the storage within the second memory of information which might lead to unsatisfactory results or performance of the appliance.

The Payne et al. reference discloses

(see column 11 lines 8-13, "... each parameter is compared against an allowable minimum and an allowable maximum to ensure the parameters being programmed are within an acceptable range. Any attempted parameter programming, which is outside the established range, is set to the allowable minimum or maximum.")

(see column 11 lines 14-15, "... the washer parameters are stored in appropriate locations in processor memory.")

(see column 11 lines 18-21, "... parameters are similarly compared against allowable minimums and maximums, and then stored in memory ...")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method including features for program updates taught by the Yung reference with the appliance electronic control system with programmable parameters taught by the Payne et al. to apply to any appliance capable of using updateable programs such as a washing machine.

One of ordinary skill in the art would have been motivated to apply the method including features for program updates to any appliance such as a washing machine capable of using updateable programs to cut in-home service call fees by allowing a user/consumer to update appliance programs at home.

As per claim 93, the Yung reference does not expressly disclose the appliance is a washing machine (see Payne et al. column 10 lines 59-64, "washers").

20. Claim 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,967,021 to Yung.

As per claim 103, the Yung reference does not expressly disclose further including the step of sending the second information to the remote system through the external programming device.

However, it would have been logically to one of ordinary skill in the art to alternatively provide bi-directional communication between the website and the consumer.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to alternatively provide bi-directional communication between the website and the consumer to facilitate on-line support and/or troubleshooting.

One of ordinary skill in the art would have been motivated to alternatively provide bi-directional communication between the website and the consumer using



an existing network to allow consumers to share programs and obtain support/troubleshooting information.

*Allowable Subject Matter*

21. Claim 109 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to appliance control in general:

USPN 4,858,119 to Waugh et al.

USPN 4,998,292 to Eigeldinger et al.

USPN 5,565,855 to Knibbe

USPN 5,844,796 to Araki

USPN 6,275,922 to Bertsch

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cjb  
18 May 2004

*Ramesh Patel*  
RAMESH PATEL  
PRIMARY EXAMINER  
*5/26/04*  
*For Anthony Knight*